

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|--|-------------------------------|------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/091,154 |
| | Filing Date | 03/05/2002 |
| | First Named Inventor | Zhang |
| | Group Art Unit | 1638 |
| | Examiner Name | KUBELIK |
| Total Number of Pages in This Submission 4 | Attorney Docket Number | 60170USNP |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 6 reference documents; |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | receipt postcard; Form PTO-1449; |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | Credit Card payment form |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|--------------------------------|---|
| Firm or Individual name | Edouard G. Lebel, Agent for Applicants, Registration No. 43,742 |
| Signature | |
| Date | 01/29/2004 |

CERTIFICATE OF MAILING

| | | | |
|---|-----------------|-------------|------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 29, 2004 | | | |
| Typed or printed name | Susan D. Holder | | |
| Signature | | Date | 01/29/2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

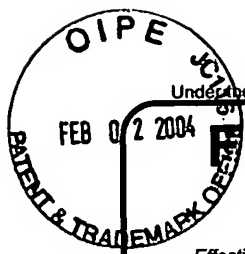


Image 1638\$

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

| | |
|----------------------|---------------|
| Application Number | 10/091,154 |
| Filing Date | March 5, 2002 |
| First Named Inventor | Zhang |
| Examiner Name | KUBELIK |
| Art Unit | 1638 |
| Attorney Docket No. | 60170USNP |

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1744
Deposit Account Name: Syngenta

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 750 | 2001 375 | Utility filing fee | |
| 1002 330 | 2002 165 | Design filing fee | |
| 1003 520 | 2003 260 | Plant filing fee | |
| 1004 750 | 2004 375 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims: - 20** = X =
Independent Claims: - 3** = X =
Multiple Dependent: =

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 84 | 2201 42 | Independent claims in excess of 3 |
| 1203 280 | 2203 140 | Multiple dependent claim, if not paid |
| 1204 84 | 2204 42 | ** Reissue Independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 410 | 2252 205 | Extension for reply within second month | |
| 1253 930 | 2253 465 | Extension for reply within third month | |
| 1254 1,450 | 2254 725 | Extension for reply within fourth month | |
| 1255 1,970 | 2255 985 | Extension for reply within fifth month | |
| 1401 320 | 2401 160 | Notice of Appeal | |
| 1402 320 | 2402 160 | Filing a brief in support of an appeal | |
| 1403 280 | 2403 140 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,300 | 2453 650 | Petition to revive - unintentional | |
| 1501 1,300 | 2501 650 | Utility issue fee (or reissue) | |
| 1502 470 | 2502 235 | Design issue fee | |
| 1503 630 | 2503 315 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | 180.00 |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 750 | 2809 375 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 750 | 2810 375 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 750 | 2801 375 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

| | | | | | |
|-------------------|-------------------------|-----------------------------------|---------|-----------|--------------|
| Name (Print/Type) | Edouard G. Lebel | Registration No. (Attorney/Agent) | 43,742 | Telephone | 919-765-5117 |
| Signature | <i>Edouard G. Lebel</i> | Date | 1/29/04 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ZHANG ET AL.

Serial. No. 10/091,154

Filed: March 5, 2002

For: ENHANCED POLLENIZER AND
METHOD FOR INCREASING
SEEDLESS WATERMELON YIELD

Art Unit: 1638

Examiner: KUBELIK, A.

Atty Docket: 60170P1

Confirmation No: 6017

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.56, Applicants wish to call the Examiner's attention to the references cited on the attached Form PTO-1449. A copy of these references are enclosed herewith, the submission of these references is made solely for the purpose of complying with Applicant's duty of disclosure, and is not intended as a surrender of patentable subject matter nor is it intended to create prosecution history estoppel.

The Examiner is requested to consider the foregoing information in relation to this application and to indicate that the reference was considered by returning a copy of the initialed PTO 1449 form.

02/05/2004 SZEWDIE1 00000122 10091154

01 FC:1806

180.00 0P



In re Application of Zhang et al.
Serial No. 10/091,154

In accordance with 37 C.F.R. § 1.97(c), since this Information Disclosure Statement is being filed after the mailing of a first Office Action on the merits but before the mailing date of a final action, this filing is accompanied by the fee set forth in 37 C.F.R. § 1.17 (p).

The Commissioner is authorized to charge \$180.00 for payment of this submission pursuant to 37 C.F.R. § 1.17(p), to Applicant's credit card. A Credit Card Payment Form is attached hereto. The Commissioner is authorized to charge any additional fees under 37 C.F.R. § 1.17 that may be required, to Deposit Account No. 50-1744 in the name of Syngenta.

Respectfully submitted,

Edouard G. Lebel, Ph. D.
Agent for Applicants
Registration No. 43,742

Syngenta Biotechnology, Inc.
P. O. Box 12257
Research Triangle Park, NC 27709-2257
Telephone: 919-765-5117
Date: January 29, 2004

FORM PTO-1449
(REV. 7-85)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

ATTY. DOCKET NO.
60170USNP
APPLICATION NO.
10/091,154
APPLICANT
ZHANG et al
FILING DATE:
March 5, 2002Confirmation No.
6017
Group
1638

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE |
|---------------------|----|-----------------|------|------|-------|----------|-------------|
| | AA | | | | | | |
| | AB | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | OFFICE | CLASS | SUBCLASS | TRANSLATION | |
|--|----|-----------------|------|--------|-------|----------|--------------------------|--------------------------|
| | | | | | | | YES | NO |
| | AC | | | | | | <input type="checkbox"/> | <input type="checkbox"/> |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent pages, Etc.)

| | |
|----|---|
| AD | Kenny, I.J. and Porter, D.R., <i>Relative Rind Toughness Among Watermelon Varieties</i> <i>American Society for Horticultural Science</i> , Vol. 38 (1941) pp. 537-540 |
| AE | Poole, C.F., <i>Genetics of Cultivated Cucurbits</i> <i>The Journal of Heredity</i> , Vol. 35 (1944) pp. 122-128 |
| AF | Porter, D.R., <i>Inheritance of Certain Fruit and Seed Characters in Watermelons</i> <i>Hilgardia</i> , Vol. 12, no. 10 (January, 1937) pp. 489-509 |
| AG | Rhodes, B. and Dane, F, <i>Gene List for Watermelon</i> <i>Cucurbit Genetics Cooperative Report</i> , Vol. 22 (1999) pp. 61-77 |
| AH | Wagner Force Measurement Instruments, [catalogue] [online]. [Internet: <URL: http://www.wagnerinstruments.com/] retrieved January 13, 2004 |
| AI | Wagner Force Measurement Instruments, [online manual]. [Internet: <URL: http://www.wagnerforce.com/manuals/ftmanual.pdf] retrieved January 13, 2004 |
| AJ | |
| AK | |
| AL | |
| AM | |

| EXAMINER | DATE CONSIDERED |
|----------|-----------------|
|----------|-----------------|

*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609: Draw a line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.